



Practitioner's Docket No. 2001-IP-003334U2P1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)

for _____
Title of invention

OR

In re application of: James Frederick Pyecroft, et al

Application No.: 10 / 623,438 Group Art Unit: 1712
Filed: 07/21/03 Examiner: Unknown
For: Subterranean Formation Treating Fluid and Methods of Fracturing
Subterranean Formations
Assistant Commissioner for Patents
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 1-16-2004

Signature

Tammy Knight

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 3)

NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

Reg. No.: 28,626

Tel. No.: (580) 251-3125

Customer No.:


SIGNATURE OF PRACTITIONER

Robert A. Kent
(type or print name of practitioner)

P.O. Box 1431
P.O. Address
Duncan, OK 73536-0440



PATENT 2001-IP-003334U2P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	James Frederick Pyecroft, et al)	
)	
)	Art Unit: 1712
Serial No.:	10/623,438)	
)	
Filed:	07/21/03)	Examiner: Unknown
)	
For:	Subterranean Formation)	
	Treating Fluid and)	
	Methods of Fracturing)	
	Subterranean Formations)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

ASSISTANT COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

Each item of information contained in this supplemental information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the information disclosure statement.

U. S. PATENTS

U.S. Patent Number 5,305,832 issued 04/26/1994 to D. V. Satyanarayana Gupta, et al.

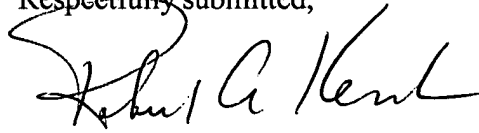
FOREIGN PATENTS

European Patent Application No. 0 343 294 A1 published 11/29/1989 to Joe D. Allison;
and

PCT Application No. WO 96,34179 published 10/31/1996 to Ralph Moorhouse, et al.

Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Kent". The signature is fluid and cursive, with the first name "Robert" and last name "Kent" being clearly legible.

Robert A. Kent
Registration No. 28,626
Halliburton Energy Services
P. O. Box 1431
Duncan, OK 73536-0440
580-251-3125

Sheet 1 of 1

FORM PTO 449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2001-IP-003334U2P1	SERIAL NO. 10/623,438
	APPLICANT James Frederick Pyecroft, et al	
	FILING DATE 07/21/03	GROUP 1712

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	5,305,832	04/26/94	Gupta et al	166	300	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
	AO						
	AP						

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AR	EP 0343294 A1	11/29/89	European	E21B	33/138	X	
	AS	WO 96,34179	10/31/96	PCT	E21B	43/26	X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AT		
	AU		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.